



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Daobin Li Confirmation No.: 5473
Serial No.: 09/966,683 Art Unit: 2631
Filed: September 27, 2001 Examiner: Tony Al Beshrawi
For: A SCHEME FOR SPREAD Attorney Docket No.: 10748-006-999
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K. Ward

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#114 Terminal
Disclaimer

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Daobin Li represents that (s)he holds the position of Vice President and Chief Scientist of LinkAir Communications, Incorporated, the assignee of the entire 100% right, title and interest in and to the above identified application by virtue of an assignment which was recorded on January 22, 2001 at reel 011465 frame 0162.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Patent 6,331,997 which issued on December 18, 2001 and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,331,997.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,331,997 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of LinkAir Communications, Incorporated.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

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and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 8 day of July, 2003.

LinkAir Communications, Incorporated

By:

Daoben Li

Name: Daoben Li

Position: Vice President and Chief Scientist



Express Mail No. EV 313 841 166 US

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Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$110.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is attached for accounting purposes.

Date: July 14, 2003

Respectfully submitted,
Brett Joray Reg. No. 42, 813 32,797
Thomas D. Kohler
PENNIE & EDMONDS LLP
3300 Hillview Avenue
Palo Alto, California 94304
(650) 493-4935

(Reg. No.)